

#9

EXHIBIT A**BOSE McKINNEY & EVANS LLP**

2700 First Indiana Plaza
135 North Pennsylvania Street
Indianapolis, Indiana 46204
(317) 684-5000

PATENT APPLICATION*IN THE UNITED STATES PATENT AND TRADEMARK OFFICE*

Atty. Docket: 0281-0181

Applicants: Browning

Title: HAIR RELAXER

Serial No.: 10/002,487

Filed: November 2, 2001

Examiner: Doan, R.K.

Group: 3732

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450

on June 12, 2003

A. Garland

A. Garland

Dated: June 12, 2003

RECEIVED

JUN 18 2003

TECHNOLOGY CENTER R3700

DECLARATION UNDER 37 C.F.R. § 1.132

I, Paul Browning, hereby declare:

1. I have worked in the field of hair care products for about 38 years. I have studied, conducted research, and developed hair straightening products for about 18 years. I have studied and conducted scientific research related to the problems associated with hair straightening compositions, such as scalp irritation, hair damage, pH levels, rapid application and removal, etc. I believe my experience in the field of hair straighteners qualifies me as one of ordinary skill in the art relating to hair straighteners.

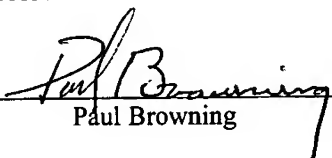
2. I have reviewed U.S. Patent No. 4,950,485 to Akhtar (hereinafter "Akhtar") and U.S. Patent No. 5,562,110 to Ottenbrite et al. (hereinafter "Ottenbrite").

3. I have reviewed the Office Action dated March 12, 2003 from the U.S. Patent and Trademark Office, which applies to U.S. Patent Application Serial No. 10/002,487.

4. In the Office Action, the Examiner has suggested that the method of applying heat to a hair straightening composition disclosed in Ottenbrite could be combined with the hair straightening composition disclosed in Akhtar. The hair straightening composition in Akhtar includes 0.1% to 10% by weight calcium hydroxide and 25% to 30% by weight guanidine carbonate. In my opinion, applying heat to a consumer's hair that has been covered with the hair relaxing composition having the concentrations disclosed in Akhtar could cause severe scalp irritation and hair damage. The hair relaxing composition disclosed

in Akhtar is designed to be applied to the hair in about 8 minutes and rapidly removed from the hair about 13 to 18 minutes after initial contact with the hair as stated in the patent. The mixing of calcium hydroxide and guanidine carbonate initiate a chemical reaction that produces guanidine hydroxide, a strong organic base which breaks bonds in the hair to give the appearance of straighter hair. Heat acts as a catalyst to speed up the production of guanidine hydroxide in this reaction. Applying heat to the hair relaxing composition disclosed in Akhtar which includes, preferably 4% to 7% by weight calcium hydroxide and preferably about 29% by weight guanidine carbonate, would speed up the chemical reaction and produce a very concentrated amount of guanidine hydroxide very quickly that could severely irritate the scalp and cause significant hair damage.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable for fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.


Paul Browning

6-12-03
Date

471113_1